

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

5:16-CR-264

CHRISTOPHER M. SWARTZ,

Defendant.

APPEARANCES:

OF COUNSEL:

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DAVID N. HURD
United States District Judge

ORDER STRIKING REPLY

On November 25, 2019, Steven L. Kessler entered an appearance in this action on behalf of Tricia Swartz, defendant's former spouse. Dkt. No. 221. Ms. Swartz purports to be a fifty percent beneficiary of the Swartz Family Trust, a third-party claimant previously dismissed from this action by the August 9 MDO. *Id.*; see also *United States v. Swartz*, 391 F. Supp. 3d 199 (N.D.N.Y. 2019). Ms. Swartz has filed a letter motion requesting, "on behalf of the Trust," that the sale of Jreck Subs be delayed. Dkt. No. 222. The Court directed the Government to respond to Ms. Swartz's filing. Dkt. No. 223. The Government timely complied, Dkt. No. 224, and the issues raised in Ms. Swartz's filing are *sub judice*.

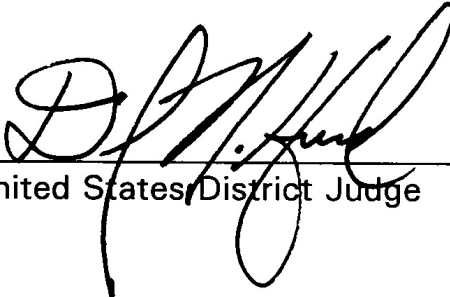
On December 4, 2019, Ms. Swartz filed a letter that purports to reply to the Government's responsive submission. Dkt. No. 225. This so-called "reply" rehashes various assertions made in Ms. Swartz's opening brief, but also asserts several new arguments not squarely presented in the initial filing; e.g., additional reasons why she has some form of continued right to seek relief from, or to avoid the application of the legal principles governing forfeiture set out in, the prior Memorandum–Decision & Order dismissing as defective the third-party petitions of the Swartz Family Trust. Upon review of this "reply" filing, it is

ORDERED that

The Clerk of the Court shall STRIKE the filing (Dkt. No. 225) from the docket.

IT IS SO ORDERED.

Dated: December 5, 2019
Utica, New York.



United States District Judge